

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

KAMILAH CLAXTON, *et al.*,
Plaintiffs

v.

SUKHWINDER SINGH, and
SUKHCHAN SINGH, individually, and
d/b/a PVR Transport,
Defendants.

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: CIVIL NO. 1:11-CV-714
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MEMORANDUM

On January 6, 2014, the court conducted a non-jury assessment of damages trial. The Plaintiff's decedent, Eric Claxton, was severely injured and died on November 13, 2009. Mr. Claxton was driving a tractor-trailer that was involved in an accident with Sukhwinder Singh. Mr. Claxton suffered severe burn injuries in the fire that resulted from the accident, which was caused by the negligent driving of Defendant Sukhwinder Singh. Mr. Singh's negligence is imputed to his employer, Sukhchan Singh, d/b/a PVR Transport.

Mr. Claxton, who died at age 36, supported a wife and four children. Mr. Claxton suffered immediate severe burns over his entire body. The accident occurred at approximately 3:10a.m. From this time, until he was pronounced dead at 4:57a.m., Mr. Claxton suffered severe conscious pain and suffering. His estate administration costs

were \$1,290.50. In 2009 he earned \$49,214.00, and based on his earning record would have continued to earn income in the future.

Mr. Sukhchan Singh, the employer, is liable on the basis of respondeat superior, but was also grossly negligent in failing to maintain his vehicle in compliance with state and federal law, particularly with regard to having required safety inspections and correcting defects in its braking equipment. He was also grossly negligent in entrusting his vehicle to Sukhwinder Singh, an inexperienced truck driver who had failed the written test and driving test multiple times before finally earning his commercial driving license. Singh was not made familiar with communication equipment in the truck, which might have helped in avoiding the accident, and in summoning help following the collision.

Considering the exhibits introduced at trial, and the presentation of Plaintiff's counsel, we conclude that compensatory damages are payable by both defendants, and that Sukhchan Singh is liable for punitive damages.

We will issue an appropriate verdict.

s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: January 6, 2014